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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte TOSHIHIKO MUNETSUGU
and KOICHI EMURA

Appeal 2008-001215
Application 09/877,035
Technology Center 2100

Decided: August 11, 2009

Before LANCE LEONARD BARRY, HOWARD B. BLANKENSHIP, and CAROLYN D. THOMAS, *Administrative Patent Judges*.

BLANKENSHIP, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-4, 11-13, and 21-27, which are all the pending claims. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

Invention

Claim 1 is representative:

1. A data processing apparatus, comprising:

an analyzer that receives as input structure description data in which media content is described, the media content being continuous audiovisual information, the structure description data describing types of media included in the media content, addresses indicating locations of the media content, and a plurality of segments that use the media, expressed in time information, wherein the analyzer extracts the time information of the segments from the structure description data; and

a converter that automatically organizes the types of media and the addresses per extracted time information, and automatically arranges the types of media and addresses in an order of representation, thereby automatically converting the structure description data into representation description data that specifies an order of representation and synchronization information of the segments.

Prior Art

Davis	5,969,716	Oct. 19, 1999
Jain	6,360,234 B2	Mar. 19, 2002

Examiner's Rejections

Claims 1-4, 11-13, and 21-27 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Davis and Jain.

Earlier rejections under 35 U.S.C. § 112, first and second paragraphs have been withdrawn. (Ans. 9.)

DISCUSSION

The Examiner appears to find that the media parser described by Davis (e.g., Figs. 2A - 2D; col. 5, l. 64 *et seq.*) corresponds in general to the "analyzer" and the "converter" of instant claim 1. According to the rejection, however, Davis "does not explicitly teach, addresses indicating locations of the media content, and the addresses per extracted time information, and addresses in an order of representation thereby automatically convert [sic; converting] the structure description data into representation description data that specifies an order of representation and synchronization information of the segments." (Ans. 5.) The rejection turns to Jain for the teachings deemed to be missing from Davis. (*See id.* at 5-6.)

However, neither the statement of the rejection, nor the Answer's "Response to Arguments," point out where the asserted teachings may be found in Jain, and we are unable to ascertain such teachings in the referenced sections of Jain. The rejection does not specify what might correspond to the "addresses indicating locations of the media content." The rejection refers to metadata in Jain that might include "Location" (Ans. 5; Jain, col. 6, l. 56), but the "location" metadata refers to the location where

the video is taken (Jain, col. 13, ll. 4-7), rather than any kind of address (e.g., a Uniform Resource Locator) that indicates the location of the media content. Nor does the rejection specify any clear teaching in Jain of "addresses per extracted time information."

We therefore agree with Appellants that it follows that the combination of Davis and Jain has not been shown to demonstrate the prima facie obviousness of at least a converter that automatically organizes the types of media and the addresses per extracted time information, and automatically arranges the types of media and addresses in an order of representation, as recited in instant claim 1.

All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson,* 424 F.2d 1382, 1385 (CCPA 1970). In a rejection on obviousness grounds, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Because the evidence of obviousness appears to be lacking and the Examiner has not provided persuasive reasons why the claimed subject matter would have been obvious to the ordinary artisan, we do not sustain the § 103(a) rejection of claim 1.

The other independent claim on appeal (claim 11) recites language similar to that of claim 1 that we have considered and is rejected on a similar basis (Ans. 6-7). We thus cannot sustain the rejection of any of the claims rejected under § 103(a) over Davis and Jain.

DECISION

The rejection of claims 1-4, 11-13, and 21-27 under 35 U.S.C. § 103(a) as being unpatentable over Davis and Jain is reversed.

REVERSED

msc

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